

JUL-03-2008 14:57

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 Company: United States Patent & Trademark Office  
 Address: P. O. Box 2189  
 City, State: Alexandria, VA 22313-1450

FAX NO.: 8.1.571.272.8300

DATE: July 3, 2008

FROM: J. Paul Plummer (713) 431-7360

Fax No. (713) 431-4664

Transmitted by: Monica J. Stansberry

Please call (713) 431-4225 if you do not receive a clear or complete transmission.

**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**US PATENT APPLICATION NO.: 10/550,406 filed on Sept. 21, 2005ATTORNEY DOCKET NO.: 2003UR016INVENTOR(S): Christine E. KrohnTITLE: SHAPED HIGH FREQUENCY VIBRATORY SOURCE**ENCLOSED:**

Transmittal Form.....[1 page(s)]  
 Petition to Revive - Unavoidable .....[3 page(s)]  
 Petition Fee Transmittal .....[1 page(s)]  
 Copy of Petition Fee Transmittal.....[1 page(s)]  
 Declaration in Support of Petition.....[3 page(s)]  
 / .....[ page(s)]  
 .....[ page(s)]

**TOTAL NUMBER OF PAGES TRANSMITTED:**  
*(Including This Cover Page)*

**10**

**Mailing Address:**  
 P. O. Box 2189  
 Houston, Texas, 77252

**Shipping Address:**  
 3319 Mercer Street  
 Houston, Texas 77027

**Physical Address:**  
 3120 Buffalo Speedway  
 Houston, Texas 77098

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I:\urc\la-law\PATENTS\Geo - GP\2003UR016\PC\TUS Nat\IPetition To Revive\Fax Postcard.doc

PAGE 1/10 \* RCVD AT 7/3/2008 3:57:02 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-5/32 \* DNIS:2738300 \* CSID:713 431 6007 \* DURATION (mm:ss):01:50

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/550,406	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>JUL 03 2008</b>
	Filing Date	September 21, 2005	
	First Named Inventor	Christine E. Krohn	
	Group Art Unit	3663	
	Examiner Name	Deandra M. Hughes	
Total number of pages in this submission	Attorney Docket Number	2003UR016	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Declaration in Support of Petition (3 pages) 2.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	ExxonMobil Upstream Research Company		
Signature	<i>J. Paul Plummer</i>		
Printed Name	J. Paul Plummer		
Date	3 July 2008	Reg. No.	40,775

CERTIFICATE OF TRANSMISSION / MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	<i>Monica J. Stansberry</i> Monica J. Stansberry
Date	3 July 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

I:\urcla-law\PATENTS\Geo - GP2003UR016\PTOUS Nat'l Petition To Revoke Transmittal.doc

JUL 03 2008

PTO/SB/81 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

2003UR016

First Named Inventor: Christine E. Krohn

Art Unit: 3663

Application Number: 10/550,406

Examiner: Hughes, Deandra M.

Filed: September 21, 2005

Title: Shaped High Frequency Vibratory Source

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

## 1. Petition fee

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 500.00 (37 CFR 1.17(l)).

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

Payment of Issue Fee

(Identify the type of reply):

- ☐
- has been filed previously on \_\_\_\_\_
- 
- ☒
- is enclosed herewith.

B. The issue fee of \$ 1,440.00

- ☐
- has been paid previously on \_\_\_\_\_
- 
- ☒
- is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/10/2008 GFREY1 00000010 10550406 3:57:02 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-5/32 \* DNIS:2738300 \* CSID:713 431 6007 \* DURATION (mm-ss):01-50

01 FC:1452

510.00 DA

JUL 03 2008

PTO/SB/61 (10-07)

 Approved for use through 10/31/2007. OMB 0851-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
 UNAVOIDABLY UNDER 37 CFR 1.137(a)**
**3. Terminal disclaimer with disclaimer fee**
☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time enclosed herewith (see PTO/SB/63).
**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.****WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

J. Paul Plummer  
 Signature

July 3, 2008

Date

J. Paul Plummer

Typed or printed name

40,775

Registration Number, if applicable

P. O. Box 2189 (CORP-URC-NW 359)

Address

(713) 431-7360

Telephone Number

Houston, Texas 77252-2189

Address

Enclosure ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

07/03/2008

Date

Monica Stansberry  
 Signature

Monica Stansberry

Typed or printed name of person signing certificate

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JUL 03 2008

PTO/SB/61 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

J. Paul Plummer  
Signature

July 3, 2008

Date

J. Paul Plummer

Typed or printed name

40,775

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

A statement is attached of the facts underlying the failure to timely pay the issue fee of the subject application. The statement is made by the person in the applicant's office who is most familiar with those facts.

The applicant believes these facts are sufficient to support a case of unavoidable abandonment. If the Office determines otherwise, and only in that event, the applicant requests revival for unintentional abandonment under 37 CFR 1.137(b), and in such event, authorization is hereby given to charge Deposit Account 05-1328 for the fee difference of \$1,000.00 between unavoidable and unintentional abandonment.

(Please attach additional sheets if additional space is needed.)

[Page 3 of 3]

JUL 03 2008

PTO/SB/17m (11-04)

Approved for use through 07/31/2007. OMB 0851-0031

Patent and Trademark Office: US DEPARTMENT OF COMMERCE

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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(l)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)	Application Number	10/550,406
	Filing Date	September 21, 2005
	First Named Inventor	Christine E. Krohn
	Group Art Unit	3663
	Examiner Name	Deandra M. Hughes
	Attorney Docket Number	2003UR016

Send completed form to: Commission for Patents  
P. O. Box 1450, Alexandria, VA 22313-1450

Enclosed is a petition filed under 37 CFR 1.137(a) that requires a processing fee (37 CFR 1.17(l)).

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g. Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328:

☒ petition fee in the amount of \$500.00 under 37 CFR 1.17(l)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328:

☒ payment of Issue Fee in the amount of \$1,440.00

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328:

☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$\_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information of this form.

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	J. Paul Plummer, Reg. No. 40,775 ExxonMobil Upstream Research Company
Signature	<i>J. Paul Plummer</i>
Date	July 3, 2008

07/10/2008 SSANDAR1 00000002 051328 10550406

01 FC:1501 1440.00 DA

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 52 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

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PTO/SB/17m (11-04)  
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Patent and Trademark Office: US DEPARTMENT OF COMMERCE

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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(l)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)	Application Number	10/550,406
	Filing Date	September 21, 2005
	First Named Inventor	Christine E. Krohn
	Group Art Unit	3663
	Examiner Name	Deandra M. Hughes
Attorney Docket Number		2003UR016

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Enclosed is a petition filed under 37 CFR 1.137(a) that requires a processing fee (37 CFR 1.17(l)).

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g. Mail Stop Petition), if applicable. *For transmittal of processing fees under 37 CFR 1.17(l), see form PTO/SB/17i.*

**Payment of Fees** (small entity amounts are NOT available for petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328 :

☒ petition fee in the amount of \$500.00 under 37 CFR 1.17(l)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328 :

☒ payment of Issue Fee in the amount of \$1,440.00

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 05-1328 :

☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$\_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information of this form.

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	J. Paul Plummer, Reg. No. 40,775 ExxonMobil Upstream Research Company
Signature	<i>J. Paul Plummer</i>
Date	July 3, 2008

COPY OF ORIGINAL

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 52 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 03 2008

Applicant : Christine E. Krohn Office of Petitions  
Appln. No. : 10/550,406 Attorney Docket No.: 2003UR016  
Filed : September 21, 2005 Art Unit: 3663  
Title : Shaped High Frequency Vibratory Source

**DECLARATION BY DEBRA L. PITMAN IN SUPPORT OF  
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Commissioner for Patents  
Office Of Petitions  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby declare that:

1. I provide this Declaration in support of the petition for revival of an application for patent abandoned unavoidably under 37 CFR 1.137(a) for the above-identified disclosure.
2. I am a paralegal/support staff supervisor for Exxon Mobil Corporation assigned to ExxonMobil Upstream Research Company. One of my responsibilities is to maintain and replenish Deposit Account 051328. The account is normally replenished on a monthly basis.
3. A deposit in the amount of \$26,305.00 was made to the account on March 12, 2008.
4. On April 4, 2008, the issue fee was faxed for the above-identified application with authorization to charge the required fees to deposit account 051328. The issue fee was

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paid well in advance of the June 3, 2008 due date. The balance in the deposit account was \$591.00 on April 7, 2008 when the USPTO attempted to collect the issue fee from the deposit account. The \$300.00 publication fee was deducted from the account but there were insufficient funds to pay the issue fee of \$1440.00.

5. On April 15, 2008, I became aware that there were insufficient funds in the deposit account to cover fees for items that had been recently filed.

I immediately contacted the Financial Office at the USPTO. I explained the situation and asked if there was any way they could hold any incoming items for payment to that account until the replenishment reached the Office. I was told that the system would not allow them to do that. I then asked if she could provide me with a list of any items that had been returned because of insufficient funds in the account. I was told that the system would not allow that. I then asked if a second attempt would be made to charge the deposit account prior to the items being returned for non-payment of fees. I was told that I would have to call each examiner individually.

6. On April 17, 2008 a deposit of \$56,344.00 was made to the account.

7. We tried to determine exactly what items were filed in the previous one month period that may be returned for lack of payment of the fees. The above-identified application was overlooked as an item that we should re-submit.

8. On July 1, 2008 we received a Notice of Abandonment for Failure to Pay the Required Fee.

I:\unc\la-law\ADMAST\DLP\Affidavit - DLP - 2003UR0162loc

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/2/2008  
Date

Debra Pitman  
Debra Pitman

I:\urc\la-law\ADMAST\DLP\Affidavit - DLP - 2003UR0163loc